

Robert Milbank, Jr.
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State Bar No. 14036000
214-880-8770

Proposed Attorney for Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

DARREN S. FISHMAN

DEBTOR

§
§
§
§
§

Case No. 14-33246-HDH-7

TRUSTEE'S MOTION TO SELL PROPERTY OF THE ESTATE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT ROOM 1254, 1100 COMMERCE STREET, DALLAS, TEXAS, 75242-1496 BEFORE 5:00 P.M. ON JANUARY 9, 2014, WHICH IS TWENTY-FOUR (24) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK AND A COPY MUST BE SERVED UPON ROBERT MILBANK, JR., 900 JACKSON STREET, STE. 560, DALLAS, TEXAS, 75202, PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE HARLIN D. HALE, U.S. BANKRUPTCY JUDGE:

COMES NOW, Robert Milbank, Jr., Trustee of the Estate of Darren S. Fishman, and pursuant to §363 of the Bankruptcy Code, files this his Motion to Sell Property of the Estate (the "Motion"), and would show the Court as follows:

1. Darren S. Fishman (the "Debtor") filed his voluntary petition for relief under Chapter 7 of the Bankruptcy Code on July 2, 2014, and Robert Milbank, Jr. (the "Trustee") was appointed the Chapter 7 Trustee of the Debtor's Bankruptcy Estate and continues to act in that capacity.

2. The principal non-exempt asset of the Bankruptcy Estate is 25,000 shares of voting stock of COD Friendly, Inc. (the "Property").

3. The Estate's shares represent a minority interest of COD Friendly, Inc.

4. Pursuant to Article 7.4 of the Amended and Restated Shareholder Agreement among COD Friendly, Inc. and its stockholders, COD Capital Corp, f/k/a COD Friendly, Inc., has the option to purchase all of the shares of a bankrupt member such as the Debtor.

5. COD Capital Corp showed an operating loss in 2013 and for the first eleven months of 2014.

6. The Trustee desires to sell the Property to COD Capital Corp. (the new name of COD Friendly, Inc.) for \$15,000.00, free and clear of all liens, claims, charges, encumbrances and other interests, with such liens, claims, encumbrances and other interests attaching to the proceeds. As additional consideration, COD Capital Corp. will release all claims it may have against the Debtor and the Estate, including the withdrawal

of all Proofs of Claim in this case, save and except its secured claim against Debtor's 50,000 shares of non-voting stock in COD Friendly, Inc.

7. The Property will be sold "as is", "where is", without any representations or warranties of any kind.

8. This Motion is being served on all creditors and parties-in-interest in this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court authorize the sale of the Property as set out above for such other relief to which he shows himself entitled.

Respectfully submitted,

/s/ Robert Milbank, Jr.
Robert Milbank, Jr.
900 Jackson Street, Ste. 560
Dallas, TX 75202
(214) 880-8770

Proposed Attorney for the Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Trustee's Motion to Sell Property of the Estate has been served on the attached Service List by placing a copy of the same in the U.S. Mail, postage pre-paid, on this the 16th day of December, 2014.

/s/ Robert Milbank, Jr.
Robert Milbank, Jr.

GREEN TREE SERVICING L
332 MINNESOTA ST STE E610
SAINT PAUL MN 55101-1311

AMERICAN HONDA FINANCE
P O BOX 168088
IRVING TX 75016-8088

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

CITIBANK
PO BOX 6043
SIOUX FALLS SD 57117-6043

Ally Financial
Po Box 380901
Bloomington, MN 55438-0901

Barneys Ny
1201 Valley Brook Ave
Lyndhurst, NJ 07071-3509

BMO Harris Bank
111 W. Monroe St.
Chicago, IL 60603-4095

Cach Llc-Square Two Financial
Attention: Bankruptcy
4340 South Monaco St. 2nd Floor
Denver, CO 80237-3485

CACH, LLC
4340 S. MONACO STREET
2ND FLOOR
DENVER, CO 80237-3485

Capital I Bank
Attn: Bankruptcy Dept.
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One
P.O. Box 60599
City of Industry, CA 91716-0599

Capital One Bank
Special Assets; Attn: Mark Dubos
201 St. Charles Ave.
New Orleans, LA 70170-2900

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Chase
Chase Card Svcs-Attn:Bankruptcy Dept
Po Box 15298
Wilmington, DE 19850-5298

Chase Slate Visa
P.O. Box 94014
Palatine, IL 60094-4014

Citibank - Sears
Citicard Credit Svcs-Centralized Bankrup
Po Box 20363
Kansas City, MO 64195-0363

Colorado Student Loa-College Assist
1560 Broadway
Ste. 1700
Denver, CO 80202-5159

Comenitycapital-petlnd
4590 E Broad St
Columbus, OH 43213-1301

Comerica Bank
249 5th Ave
Pittsburgh, PA 15222-2707

Compass Bank
15 20th St S Fl 9
Birmingham, AL 35233-2011

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Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

Discover Card
P.O. Box 6103
Carol Stream, IL 60197-6103

Discover Fin Svcs Llc
Po Box 15316
Wilmington, DE 19850-5316

DRS-Childrens Care
P.O. Box 841233
Dallas, TX 75284-1233

Dsnb Macys
9111 Duke Blvd
Mason, OH 45040-8999

Firstar-US Bank
Us Bank Bankruptcy Dept
Po Box 5229
Cincinnati, OH 45201-5229

GECRB -HH Gregg
Attention:Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

GEGRB-Banana Republic
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Gfgs li Llc
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Green Tree Servicing , LLC
P.O. Box 0049
Palatine, IL 60055-0049

Greentree Mortgage
P.O. Box 6172
Rapid City, SD 57709-6172

JP Morgan Chase
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Vincent Lopez Serafino Jenevein PC
1601 Elm Street, Ste 4100
Dallas, TX 75201-7274

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M & I Bank-Genesis Fin.
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4843 Stony Ford Dr.
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Medical City of Dallas
P.O. Box 7407782
Cincinnati, OH 45274-0782

Petland-Community Bank
P.O. Box 659622
San Antonio, TX 78265-9622

Quantum3 Group LLC as agent for
MOMA Funding LLC
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Kirkland, WA 98083-0788

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